

UNITED STATES DISTRICT COURT

for the

District of

Division

United States Courts
Southern District of Texas
FILED

JUN 22 2020

David J. Bradley, Clerk of Court

Alejandro Evaristo Perez

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

LinkedIn Corporation

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Alejandro E. Perez
Street Address	9233 Westheimer #136
City and County	Houston, Harris County
State and Zip Code	Texas, 77063
Telephone Number	214-762-0075
E-mail Address	alejandro.evaristo.perez@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

Name	LinkedIn Corporation
Job or Title <i>(if known)</i>	
Street Address	900 W Maude Ave
City and County	Sunnyvale, Santa Clara County
State and Zip Code	CA, 94085
Telephone Number	650-687-3600
E-mail Address <i>(if known)</i>	linkedin_support@cs.linkedin.com

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	

E-mail Address (if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

This is Free Speech violation case by a corporate entity (LinkedIn Inc.) that in actuality behaves and acts as a state actor when censoring material and eliminating the cyber existence of the Plaintiff against the Plaintiff's freewill (traditional state actions of censorship and elimination of enemies) from a social media public forum filled US state actors and several connected to the Plaintiff, when the Plaintiff criticized foreign state actors, the Chinese Communist Party, whose political agenda of "Unrestricted Warfare" directly focuses in undermining the US Constitution by manipulating private corporations to perform un-constitutional state actions in US soil. The 1st Admentment stops the US Federal Government from prohibiting Free Speech. However, the US Federal Government does have a moral and legal obligation to defend and promote Free Speech of US Citizens in US soil. The "Defense" and "Promotion" of Free Speech are different and unique actions separated from the action of prohibition. The "Freedom of Speech" is 1st Principle of Franklin D. Roosevelt's 4 Freedoms and the basis for the United Nations and the NATO Alliance. The Plaintiff request the help US Federal Government in the promotion and defense of the Plaintiff's Free Speech against misguided corporate entitites that perform state actions on behalf of the foreign state actors who have and use a documented military doctrine to destroy the US Constitution in US soil.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) _____, is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____.

and has its principal place of business in the State of *(name)*

_____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under
the laws of the State of *(name)* _____, and has its
principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of *(foreign nation)* _____,
and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

In May of 2020, LinkedIn, a US Private Corporation in US soil operating global social media public forums, censored and removed of the profile of Alejandro Evaristo Perez (the plaintiff), who is a US Citizen and US Army Officer in US soil and connected with over 7,000 other LinkedIn connections that were a combination of influential civilian, military, and government representatives, when the Plaintiff posted "Anti Chinese Communist Party" statements.

09MAY2020 - Initial Censorship by Defendant to erase Plaintiff from Public Forum showing the Plaintiff's Anti "Chinese Communist Party" statements.

09MAY2020 to 13MAY2020 - Multiple recorded exchanges between Plaintiff and Defendant regarding the censorship action, where the Plaintiff explained the censorship actions on behalf of a state actor were unconstitutional as a direction violation of 1st amendment.

Present - Defendant continuous to deny access to Plaintiff into Social Media Public Forum in behalf of the state actor (the Chinese Communist Party). The Plaintiff contacted over 100 US Constitutional Law Lawyers from different legal forums, but many politely refused regardless of the possible large monetary reward due to the risks associated with the stakeholders of such a case. It is a fact that the Chinese Communist Party uses force, intimidation, and unethical practices to further their agenda.

Over email, the Plaintiff attempted to reason with LinkedIn moderators multiple times to return his LinkedIn account and even warned that such actions were un-Constitutional and liable to a lawsuit. The LinkedIn moderators ignored the plaintiff and continue with censorship and denial of access to a public forum. The "Anti Chinese Communist Party" comments made by the Plaintiff criticized the Chinese Communist Party's "Unrestricted Warfare" military doctrine. This Chinese generated military doctrine focuses on subversive attacks that are detrimental to US Constitution as explained by Retired US Air Force General Robert Spalding (a LinkedIn contact to the plaintiff) in his book "Stealth War". The book explains the nature of the subversive attacks include bribes, punishments, and/or denial of access to Chinese Markets to US private corporations if the US private corporations do not favor the Chinese Communist Party's agenda, which includes censoring opposition. By favoring the Chinese Communist Party's political agenda over the US Constitution, US private corporations are no longer US private enterprises, but puppets of external government forces with the intent to undermine the US Constitution. When corporations defaulting their private enterprise status and transformed to governmental entities (state actors), they come subject to US Government Laws and Policies while in US soil. Therefore, by favoring the Chinese Communist Party's political agenda, LinkedIn cannot no longer claim the protection status of "Private Corporation", because LinkedIn has become governmental entity and a puppet of the Chinese Communist Party's political agenda. The denial of access of public forms by an state actor operating in US soil in order to stop the Free Speech of a US Citizen interacting with other US Citizens, US military officials (ex. Retired US General Stanley McChrystal, a LinkedIn contact to the Plaintiff), and US government representatives (ex. US Senator Mark Warner, a LinkedIn contact to the Plaintiff) is a clear violation of the Free Speech and demonstrates preferential treatment to external enemies of the US Constitution and US Civic Liberties. The US Federal Court system has a legal and moral obligation to defend and promote Free Speech of US Citizens and US soil. The only restriction on the US Federal Government is the 1st Admendment, which denies the US Federal Government to use the action of "prohibiting" as a remedy in the defense and promotion of Free Speech.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The Plaintiff wants 3 reliefs. First, the Plaintiff wants his LinkedIn account restored with all 7,000 Connections that consented to connect and peacefully assembled with the Plaintiff via their freewill. Second, \$250,000,000 of relief to the plaintiff due the fact that the plaintiff is a US Army Officer whose only job and oath is to protect the US Constitution and the risks associated with such a function, which can include death by foreign state agents. This large amount was also intended to attract a high quality US Constitutional lawyer to represent the Plaintiff, but failed due to the risks associated. Such an large relief amount will make any other LinkedIn censorship actions to favor external governments a real topic for the corporate board of directors and remind the LinkedIn leaders to stop behaving as state actors. Third, an update to LinkedIn User Agreement to reflect the Franklin D. Roosevelt's 4 Freedoms, which is a higher standard of Free Speech and Corporate Conduct than LinkedIn's current state actions of eliminating the Plaintiff from a public forum by force.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 06/22/2020

Signature of Plaintiff

Printed Name of Plaintiff

Alejandro Evaristo Perez

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

